

**MINUTES OF THE MILLVILLE
TOWN COUNCIL TELECONFERENCE MEETING
April 28, 2020 @ 7:00 PM**

In attendance were Mayor Steve Maneri, Deputy Mayor Ronald Belinko, Treasurer Sharon Brienza, Secretary Barbara Ryer, Council Member Peter Michel, Town Solicitor Seth Thompson, GMB Representative Andrew Lyons Jr., Town Manager Debbie Botchie, Town Finance Director Lisa Wynn, Town Code & Building Official Eric Evans, and Town Clerk Matt Amerling.

Town Manager Debbie Botchie stated this open meeting of the Millville Town Council is being conducted remotely consistent with Governor Carney's Executive Order of March 13, 2020, due to the current State of Emergency regarding the Coronavirus pandemic. Ms. Botchie stated in order to mitigate the transmission of the virus and reduce risk of COVID-19 illness, the Town has been advised and directed by the Governor to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Freedom of Information Act (FOIA) to have all meetings in a publicly accessible physical location. Ms. Botchie further stated all members of public bodies are allowed and encouraged to participate remotely. Ms. Botchie stated the Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting and hear the comments of the Councilmembers, who must in turn be able to hear the comments of all those participating. Ms. Botchie stated the other rules and procedures applicable to open meetings, including public hearings, remain in effect. Ms. Botchie stated ensuring public access does not mandate public participation unless the opportunity for such participation is otherwise required by law. Ms. Botchie stated this meeting will feature agenda items that do not require a public hearing and one item that does require a public hearing during which public comments will be received. Ms. Botchie stated for matters that are not listed on the agenda with public comment, the Town Council's Policies and Procedures give discretion to the Mayor whether to permit public comment before or during consideration of such matters. Ms. Botchie stated even if members of the public do not provide comment on any given agenda item, participants are advised that people may elect to still listen, and those persons are not required to identify themselves. Ms. Botchie stated for this meeting, the Millville Town Council is convening by teleconference, as posted on the Town's website identifying how the public may join, and to please note that this meeting is being recorded. Ms. Botchie stated all supporting materials of this body are available on the Town's website and the public is encouraged to follow along using the posted agenda.

1. CALL MEETING TO ORDER

Mayor Steve Maneri called the meeting to order at 7:00 p.m.

2. ROLL CALL

Mayor Steve Maneri stated everyone was present.

3. ADOPTION OF TOWN COUNCIL MINUTES

- A. Adoption of Town Council Budget Minutes – March 9, 2020
- B. Adoption of Town Council Executive Session Minutes – March 9, 2020
- C. Adoption of Town Council Minutes – March 10, 2020

Treasurer Sharon Brienza motioned to approve the March 9, 2020, Town Council Budget meeting minutes, the March 9, 2020, Executive Session minutes, and the March 10, 2020, Town Council minutes. Deputy Mayor Ronald Belinko seconded the motion. Motion carried 5-0.

4. FINANCIAL REPORT – Treasurer Sharon L. Brienza

A. March 2020

Treasurer Sharon Brienza read the Financial Report for the month ending 3/31/20.

March 31, 2020:

General Revenue:	\$ 67,042.	Restricted Revenue:	\$ 119,051.
General Expenses:	50,797.	Restricted Expenses:	215,973.

5. ADMINISTRATIVE MATTERS

A. Administrative Report for March 2020

There were no comments.

MOTION TO ENTER PUBLIC HEARING

Secretary Barbara Ryer motioned to enter the public hearing at 7:08 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

6. NEW BUSINESS

A. Public Hearing Notice – Secretary

B. Written Comments

There were no written comments.

- C. Discuss a Final Subdivision Site Plan submitted by Land Design Inc. on behalf of Miken Builders, for the proposed Southern Landing subdivision located at Tax Map Parcels 134-12.00-419.00, 419.01 & 419.02, with a planned entrance from Old School Lane, zoned Residential, which will consist of 15 single family homes. Synopsis: The Millville Planning & Zoning Committee (P&Z) approved 3-0 to recommend to Town Council to approve the Final Subdivision Site Plan at its February 11, 2019, P&Z Meeting, with the condition of having shown whether there will be a mail kiosk or individual mailboxes for the subdivision.

Council Member Peter Michel stated he sees on the agenda the approval is for fifteen (15) lots but at the Planning & Zoning (P&Z) Committee minutes, there were sixteen (16) lots. Mayor Steve Maneri stated he thinks Mr. Ford will address these questions. Mr. Tom Ford, of Land Design, stated the plan shows fifteen (15) residential lots which includes the two (2) existing homes which are on the site today. Mr. Ford stated the plan also includes three (3) "outparcels"; consisting of "Outparcel A" which is a community open space area and is just off Sweetgrass Lane, in between lot fifteen (15), six (6) and seven (7), and it consists of approximately nine-thousand (9,000)-square-feet; "Outparcel B" is the area needed for a stormwater management pond; and "Outparcel C" is reserved for future commercial use. Mr. Ford stated at a point in time, those "Outparcel C" was labeled as lot sixteen (16) and got relabeled as "C" because it wasn't a residential lot; so the applicant wanted to clarify there are fifteen (15) residential lots and all of those lots are on the western side of Old School Lane, and it includes the two (2) existing homes which are there. Mr. Ford stated the two (2) existing homes are on lot three (3) and four (4) of the fifteen (15) lots.

Mr. Ford stated since the applicant's preliminary approval in February 2019, it's taken the applicant this period of time to obtain all of the State agency permits and approvals for the project, and it includes the stormwater management approval from the Soil Conservation District (SCD); a DelDOT approval for the entrance to Sweetgrass Lane, to the driveways which will front on Cedar Drive and Old School Lane, as well as the dedication of right-of-way (ROW) of five (5) feet on the west side of Old School Lane, and five (5) feet on the east side of Old School Lane. Mr. Ford stated this also includes five (5)-foot dedication on the north side of Cedar Drive. Mr. Ford stated the original fifty (50)-foot ROW of Cedar Drive will – after this application, should it be approved – will become fifty-five (55) feet in the frontage area. Mr. Ford further stated on Old School Lane, the original fifty (50)-foot ROW will become sixty (60) feet on the frontage area if this application is approved. Mr. Ford stated Sussex County was involved for a sewer approval so Southern Landing can connect to existing manholes and sewer infrastructure out on the road, and it will provide the sewer mains and laterals to each individual lot. Mr. Ford stated the water service is approved by Tidewater Utilities, but the actual approval is delayed and cannot be finalized until the applicant provides a signed plat plan recorded. Mr. Ford further stated the Fire Marshal has approved the layout of the lots, the water service, the hydrant locations and so forth. Mr. Ford stated the street name and subdivision name have been approved, and the in terms of where the mailboxes will be located, the applicant does have a letter from the postmaster indicated the mailboxes will be on the community open space inside of Sweetgrass Lane; so there won't be mail delivered along the roads of Old School Lane and Cedar Drive. Mr. Ford stated there is also an approval by the Delaware Department of Natural Resources and Environmental Control (DNREC) for the tax ditch reduction as they had a maintenance shown of eighty (80) feet along the tax ditch which separates "Outparcel B" – the stormwater management basin – which is adjacent to the Lord Baltimore Elementary School. Mr. Ford stated there is a tax ditch which separates those two properties and leads drainage to Whites Creek, and there is an outfall in the applicant's drainage plan to said creek. Mr. Ford stated the maintenance area was eighty (80) feet in width but it has now been reduced to twenty-five

(25) feet, which makes everything on the plan consistent with the proposal tonight.

Mayor Maneri asked if there will be fifteen (15) residential lots on the west side and one (1) extra commercial lot on the east side. Mr. Ford stated yes. Mr. Andrew Lyons Jr., of GMB, stated he has reviewed the plans and all his comments were addressed; and the plan does adhere to the subdivision code and the zoning code for residential, as well as the 2019 comprehensive plan with the future land use for "Outparcel C." Mr. Lyons stated the applicant will have to come back before P&Z and Council when the applicant wants to do anything in particular with "Outparcel C." Mr. Lyons stated all of the residential lots meet all requirements. Town Code and Building Official Eric Evans stated he concurs with Mr. Lyons. Town Solicitor Seth Thompson stated his understanding is the applicant is reserving the ability within the subdivision itself to have "Outparcel C" as a commercial space but the applicant will have to come back before P&Z and Council and go through the process when a commercial use has been chosen. The rest of Council were fine with the subdivision, satisfied with Mr. Lyons', Mr. Evans' and Mr. Thompson's comments.

D. Residents/Property Owner Comments & Questions

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

Ms. Brienza motioned to close the public hearing at 7:25 p.m. Ms. Ryer seconded the motion. Motion carried 5-0.

7. NEW BUSINESS

- A.** Discuss and possible vote on a final subdivision site plan submitted by Land Design Inc. on behalf of Miken Builders, for the proposed Southern Landing subdivision located at Tax Map Parcels 134-12.00-419.00, 419.01 & 419.02, with a planned entrance from Old School Lane, zoned Residential, which will consist of 15 single family homes.

- Mayor Maneri requests individual vote

Ms. Brienza motioned to approve the final subdivision site plan for the proposed Southern Landing subdivision located at Tax Map Parcels 134-12.00-419.00, 419.01 & 419.02, with a planned entrance from Old School Lane, zoned Residential, which will consist of 15 single family homes. Ms. Ryer seconded the motion. Ms. Brienza voted yes. Ms. Ryer voted yes. Mr. Michel voted yes. Mr. Belinko voted yes. Mayor Maneri voted yes. Motion carried 5-0.

- B.** Discuss and possible vote on Resolution 20-02. Synopsis: If approved, Resolution 20-02 establishes the fee & fine schedule for FY21.

Council was satisfied with the fee and fine schedule. Mr. Belinko motioned to approve Resolution 20-02. Ms. Ryer seconded the motion. Motion carried 5-0.

C. Discuss and possible vote on FY21 Organizational Chart.

Mr. Belinko stated he noticed the Park and Recreation Committee is on the chart but Mr. Belinko was under the impression that committee was no longer in existence. Mayor Maneri stated he has never dissolved that committee and it is up to the Mayor to disband the committee. Ms. Ryer stated she recalls a brief conversation at the January 28, 2020, Town Council Workshop meeting about the fact there are three (3) Council members on the park committee, and any decisions being made by the committee will have direct approval from Council due to a quorum of Council members being on the voting committee, leaving the remaining two (2) Council members without a vote. Mayor Maneri stated he looked at this issue and the park committee is not doing anything or meeting at this time, so it will not be an issue. Ms. Brienza stated the park committee could be activated at any point soon, and then it would be three (3) Council members making decisions without the remaining two (2) Council members' input. Mayor Maneri stated truthfully from here on forward, Mayor Maneri does not see the park committee being very active at all but Mayor Maneri is not going to dissolve the committee until after the park is completed. Ms. Ryer stated she thinks the organizational chart was created very well by Town Clerk Matt Amerling and commended Mr. Amerling for his job. Ms. Ryer motioned to approve the FY21 Organizational Chart. Ms. Brienza seconded the motion. Motion carried 5-0.

D. Discuss and possible vote on Bid RFP 19-001 for the Town of Millville Pickleball Courts

Mr. Andrew Lyons Jr., of GMB, stated GMB advertised the bids in a few ways, one of which was to advertise in the *Coastal Point* newspaper, and was sent to five (5) different contractors, including Sports Builders, American Tennis Corporation, Court Systems, and Jerry's Paving. Mr. Lyons stated GMB got a response from Sports Builders of Reading, Pennsylvania, and the bid amount was one-hundred-sixty-thousand dollars (\$160,000.00), and the bid was broken down to one-hundred-twenty-thousand dollars (\$120,000.00) for the court which included the fencing, and forty-thousand dollars (\$40,000.00) for the lighting. Mayor Maneri asked what kind of lighting was given. Mr. Lyons stated it is a downward LED court lighting, lighting up enough so the players can see the ball when in the air, but the lighting is still projected down so there will be no light pollution to neighbors.

Mr. Belinko asked with the three (3) courts, will there be fences between each court? Mr. Lyons stated yes. Council Member Peter Michel asked if any signs will come with the purchase to place on the fencing. Mayor Maneri stated no, but he would think the signs Mr. Belinko is researching will be created and placed on the fencing. Ms. Ryer stated since there was one (1) bid received, was it asked of the contractor for best and final offer. Mayor Maneri stated no, GMB has not gone that far yet. Ms. Ryer stated she did a little research and the pricing is roughly twenty-thousand dollars (\$20,000.00) to forty-thousand dollars (\$40,000.00) per court, so the cost here is "in the ballpark," and just wanted to

confirm whether a best and final offer was requested. Mr. Lyons stated it was “in the ballpark” when GMB was doing preliminary information – when they were not official bids – about two (2) years ago. Ms. Ryer stated she is fine with it.

Mr. Belinko motioned to accept Sports Builders’ Bid RFP 19-001 for the Town of Millville Pickleball Courts. Mr. Michel seconded the motion. Motion carried 5-0.

8. OLD BUSINESS

A. Discuss and possible vote on the draft FY21 Budget - Town Manager Debbie Botchie & Finance Director Lisa Wynn

Town Finance Director Lisa Wynn stated she and Ms. Botchie made the changes discussed at the March 9, 2020, budget meeting. Council thanked Ms. Wynn for all of her hard work on the budget. Ms. Brienza motioned to approve the FY21 budget. Ms. Ryer seconded the motion. Motion carried 5-0.

B. Discuss and possible vote to ratify the approval of a Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for an auto repair shop, on Tax Map Parcel #134-12.00-352.00, zoned C1 - Commercial. Synopsis: At its March 10, 2020, meeting, the Town Council voted to approve the Conditional Use application. This vote to ratify is intended to correct a technical issue related to the record not reflecting which Councilmember moved and which seconded the approval.

Town Solicitor Seth Thompson stated the reason for this and the next item on the agenda is because at the March 10, 2020, Council meeting, the record was not clear on who made the motion and who seconded the approval, therefore, there must be a vote to ratify the prior approval in order to clear up the record. Ms. Ryer motioned to ratify the approval of a Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for an auto repair shop, on Tax Map Parcel #134-12.00-352.00, zoned C1 – Commercial. Ms. Brienza seconded the motion. Motion carried 5-0.

C. Discuss and possible vote possible vote to ratify the approval of a Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for outdoor seating for a restaurant, on Tax Map Parcel #134-12.00-352.00, zoned C1 - Commercial. Synopsis: At its March 10, 2020, meeting, the Town Council voted to approve the Conditional Use application. This vote to ratify is intended to correct a technical issue related to the record not reflecting which Councilmember moved and which seconded the approval with the condition of adding some sort of fencing around the restaurant’s outdoor seating area, to ensure safety of patrons, especially children.

Ms. Brienza motioned to ratify the approval of a Conditional Use Application submitted by Plitko LLC on behalf of Kevin Martin, for outdoor seating for a restaurant, on Tax Map Parcel #134-12.00-352.00, zoned C1 – Commercial, with the condition of adding some sort of fencing around the restaurant’s outdoor seating area, to ensure safety of patrons, especially children. Ms. Ryer seconded the motion. Motion carried 5-0.

9. CITIZENS' PRIVILEGE

There were no comments.

10. ANNOUNCEMENT OF NEXT MEETING - Town Council Mtg., May 12, 2020

Mr. Belinko stated on behalf of Council, he wanted to congratulate the Town staff for coming in to Town Hall and running the Town while people are quarantining under adverse conditions, and thinks staff has done a fantastic job.

11. ADJOURNMENT

Ms. Brienza motioned to adjourn at 7:48 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk